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24 Attorneys for ZIGBEE ALLIANCE

25 IN THE UNITED STATES DISTRICT COURT
26 NORTHERN DISTRICT OF CALIFORNIA

27 IP CO., LLC and SIPCO, LLC,

28 Plaintiffs,

v.

CELLNET TECHNOLOGY, INC.,
TROPOS NETWORKS, INC., HUNT
TECHNOLOGIES, LLC and B&L TECH
COMPANY, INC.,

Defendants.

CASE NO. 08-mc-80126-MMC

Civil Action File No.
1:06-CV-3048-JEC
United States District Court
For the Northern District of Georgia

**DECLARATION OF EDGAR CALLAWAY
IN SUPPORT OF NON-PARTY ZIGBEE
ALLIANCE'S OPPOSITION TO MOTION
TO COMPEL PRODUCTION OF
DOCUMENTS AND REQUEST FOR
SANCTIONS**

Date: August 13, 2008
Time: TBD
Court: Hon. Maxine M. Chesney

1 I, Edgar Callaway, declare as follows:

2 1. I am currently Fellow of the Technical Staff, Applied Research and Technology
3 Center for Motorola, Inc ("Motorola"). I received a B.S. degree in mathematics and an M.S.E.E.
4 degree from the University of Florida in 1979 and 1983, respectively, an M.B.A. degree from
5 Nova (now Nova-Southeastern) University in 1987, and a Ph.D. degree in computer engineering
6 from Florida Atlantic University in 2002. I am a Registered Professional Engineer (Florida), and I
7 have many issued patents and published papers. This Declaration is made in support of ZigBee's
8 Opposition to the Motion to Compel Production of Documents filed by IP Co., LLC ("IPCO")
9 and SIPCO, LLC ("SIPCO") (collectively, "IPCO"). I have personal knowledge of the
10 statements herein and could competently testify thereto.
11

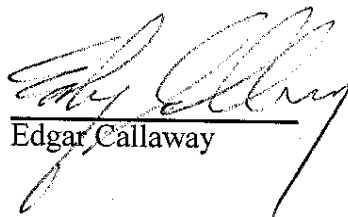
12 2. From approximately 2003 to 2005, I was a member of the Board of Directors of
13 the ZigBee Alliance ("ZigBee"). ZigBee is an association of companies working together to
14 enable reliable, cost-effective, low-power, wirelessly networked, monitoring and control products
15 based on an open global standard. Motorola has been a member of ZigBee since its founding in
16 2002. Because of its litigious nature, IPCO was perceived as a threat to bring litigation against
17 ZigBee and/or its members.
18

19 3. To aid ZigBee's counsel DLA Piper US LLP ("DLA Piper") in its review of
20 IPCO's patent portfolio including US Pat. Nos. 6,044,062 (the "'062 Patent") and 6,249,516 (the
21 "'516 Patent") (collectively, the "Reexamination Patents"), I communicated with ZigBee,
22 ZigBee's members, DLA Piper and Gallitano & O'Connor LLP ("G&O"), who is also counsel to
23 ZigBee.
24

25 4. I understood at the outset of the communications with ZigBee, ZigBee's members,
26 DLA Piper and G&O that all communications regarding IPCO and the Reexamination Patents
27 were confidential and related to analyzing a legal position for ZigBee on behalf of its members.
28

1 5. I did not share the content of any such communications between myself, DLA
2 Piper, G&O, ZigBee and ZigBee's members with anyone outside of ZigBee, ZigBee's members,
3 or their counsel or for any purpose unrelated to a legal analysis of the defense of claims alleged
4 by IPCO.
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7 I declare under penalty of perjury that the foregoing is true and correct and that this Declaration
8 was executed on July 2, 2008 in Ft. Lauderdale, Florida.
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12 Edgar Callaway
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